

*Good filed in open court on 2/7/08
(RDG)*

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF DELAWARE**

UNITED STATES OF AMERICA,)	
)	
Plaintiff,)	
)	
v.)	Case No. 08-12-M
)	
AHIAM ETIENNE,)	
)	
Defendant.)	

JOINT MOTION TO EXCLUDE TIME UNDER SPEEDY TRIAL ACT

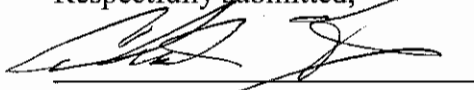
NOW COMES the defendant Ahiam Etienne, by and through his attorney, Charles E. Butler, Esq., and the United States of America, by and through its attorney, Assistant United States Attorney Christopher J. Burke, and jointly requests the Court pursuant to Federal Rule of Criminal Procedure 45(b), Local Rule 5(a), and 18 U.S.C. §§ 3161(b) & (h)(8)(A), to extend by sixty days the period of time for filing of the Indictment, and to exclude such time under the Speedy Trial Act. In support of this motion, the parties submit as follows:

1. The defendant was charged by criminal complaint dated January 18, 2008. As such, the Government is required to seek an Indictment in the above-captioned matter on or before February 17, 2008.
2. The defendant is currently on pretrial release under conditions issued by this Court.
3. The Government and defense counsel respectfully request a sixty-day extension in the time period for the Government to file an Indictment in this matter.
4. Both parties join in this request, and the defendant agrees to waive any challenge to the thirty-day requirement for the Government to file an Indictment in this matter under 18

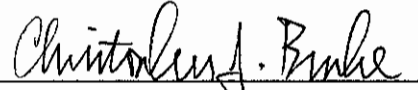
U.S.C. § 3161(b). The parties request that such period of time be excluded under the Speedy Trial Act pursuant to 18 U.S.C. § 3161(h)(8)(A).

5. The parties assert that the ends of justice would be served by a sixty-day continuance in filing the Indictment in this matter. The parties anticipate that the continuance will provide them with needed additional time to discuss the nature of the alleged violations, as well as options for the possible resolution of this matter.

Respectfully submitted,



Charles E. Butler, Esq., Esq.
1224 N. King Street
Wilmington, DE 19801
Attorney for defendant Ahiam Etienne



Christopher J. Burke, Esq.
Assistant United States Attorney
District of Delaware
Nemours Building
1007 Orange Street, Suite 700
Wilmington, DE 19899


Dated: February 7, 2008

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF DELAWARE**

UNITED STATES OF AMERICA,)	
)	
Plaintiff,)	
)	
v.)	Case No. 08-12-M
)	
AHIAM ETIENNE,)	
)	
Defendant.)	

ORDER

Having considered the parties' Joint Motion to Exclude Time Under the Speedy Trial Act, **IT IS HEREBY ORDERED** this 7th day of February 2008, that the Government shall have until on or before March 19, 2008 to file an indictment in the above-captioned matter. The Court hereby finds that any intervening time between the date of this Order and March 19, 2008, shall be excluded under the Speedy Trial Act. The Court further finds, for the reasons set forth in the parties' joint motion, that the ends of justice served by extending the time period by an additional thirty days for the Government to file an Indictment, and to exclude such time under the Speedy Trial Act, outweigh the interests of the public and the defendant in a speedy trial. 18 U.S.C. §§ 3161(b) & (h)(8)(A).



Honorable Leonard P. Stark
United States Magistrate Judge